

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

DENISE HELTON and)	
JAMES M. HELTON, JR.,)	CIVIL ACTION FILE
)	NO.
Plaintiff,)	
)	
RICKEY LEMARK)	On removal from the State Court of
GOLDWIRE, GOLDWIRE)	DeKalb County, Civil Action
TRUCKING, LLC, and)	File No: 23A00004
AUTO-OWNERS)	
INSURANCE COMPANY,)	JURY TRIAL DEMANDED
)	
Defendants.		

NOTICE OF REMOVAL

COMES NOW, AUTO-OWNERS INSURANCE COMPANY (“Defendant”), Defendant in the above styled action, and within the time prescribed by law files this Notice of Removal and respectfully shows the Court the following facts:

1.

Plaintiffs commenced this action by filing their Complaint on January 2, 2023, in the State Court of DeKalb County, which is a county within the Atlanta Division of this Court. The suit is styled as above and numbered civil action file number 23A00004 in that Court. Defendant Auto-Owners Insurance Company was served with a copy of the suit on January 19, 2023. The Notice of Removal is filed within

the 30 days of Defendant's receipt of the suit and is thus timely.

2.

Upon information and belief, Plaintiffs are citizens of the State of Georgia.

3.

Defendant Auto-Owners Insurance Company is a foreign insurance company organized under the laws of the State of Michigan, with its principal place of business in the State of Michigan. Defendant Auto-Owners Insurance Company is not a citizen of the State of Georgia and was not a citizen of the State of Georgia on the date of filing of the aforesaid civil action and has not been thereafter. (*See* Plaintiffs' Complaint ¶3).

4.

Defendant Goldwire Trucking, LLC is a foreign limited liability company organized under the laws of the State of Florida, with its principal place of business in the State of Florida. Defendant Goldwire Trucking, LLC is not a citizen of the State of Georgia and was not a citizen of the State of Georgia on the date of filing of the aforesaid civil action and has not been thereafter. (*See* Summons).

5.

Defendant Rickey Lemark Goldwire is a citizen and resident of the State of Florida. Defendant Goldwire is not a citizen of the State of Georgia and was not a

citizen of the State of Georgia on the date of filing of the aforesaid civil action and has not been thereafter. (*See* Plaintiffs' Complaint, ¶1).

6.

Complete diversity exists between Plaintiffs and Defendants in accordance with 28 U.S.C. §1332 (a)(1).

7.

The amount in controversy exceeds the sum of \$75,000, exclusive of interest and costs. Plaintiff Denise Helton is seeking damages for past, present, and future personal injuries, past, present, and future pain and suffering, and past, present, and future mental and emotional suffering allegedly sustained in the subject motor vehicle accident that occurred on Oakridge Dr. in Albany, Dougherty County, Georgia on February 8, 2021 (*See* Plaintiffs' Complaint, ¶15). Plaintiff Denise Helton is also seeking \$11,504.80 in expenses related to the use of her vehicle. (*See* Plaintiffs' Complaint, ¶17). Plaintiff James Helton is seeking damages for loss of consortium. (*See* Plaintiffs' Complaint, ¶18). Although Defendants deny any wrongdoing, the allegations of injuries and damages sought in the Complaint are similar to those other actions in which other plaintiffs have sought and recover damages in excess of \$75,000. Thus, given the allegations of Plaintiffs' Complaint, the amount in dispute in this matter will exceed the jurisdictional requirement of

\$75,000.

8.

This case is a civil action that may be removed to this Court pursuant to 28 U.S.C. § 1441. This court has original jurisdiction pursuant to 28 U.S.C. § 1332(a)(1) and (b) because there is complete diversity of citizenship between Plaintiffs and Defendants and, as shown above, the amount in controversy exceeds \$75,000. Further, as required by 28 U.S.C. § 1441(b), no Defendants are citizens of the State of Georgia.

9.

Pursuant to 28 U.S.C. § 1446(a), Defendant has attached hereto copies of all process, pleadings, and orders served upon them in this case, such copies being marked “Exhibit A”.

10.

Defendant submits this Notice of Removal without waiving any defense to the claims asserted by Plaintiffs or conceding that Plaintiffs have pled claims upon which relief can be granted. Defendant specifically reserves the right to assert, if applicable, any and all defenses enumerated under Rule 12 of the Federal Rules of Civil Procedure or any other affirmative defenses, including those enumerated under Rule 8(c) of the Federal Rules of Civil Procedure, upon the filing of its responsive

pleadings within the time allotted under the Federal Rules of Civil Procedure.

11.

Defendant has given written notice of the filing of this Notice of Removal to Plaintiffs by notifying their attorneys of record, John L. Strauss, John L. Strauss, P.C., 1132 Conyers Street SE, Covington, GA 30014. Defendant has also filed a written notice with the Clerk of the State Court of DeKalb County, a copy of said notice being attached hereto and made in part hereof.

WHEREFORE, Defendant prays that the case be removed to the United States District Court for the Northern District of Georgia, Atlanta Division.

This 15th day of February, 2023.

SWIFT, CURRIE, McGHEE & HIERS, LLP

/s/ Gillian S. Crawl-Parrish

Gillian S. Crawl-Parrish

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CERTIFICATION PURSUANT TO L.R. 7.1D

Pursuant to Northern District of Georgia Local Rule 7.1D, the undersigned counsel for Defendant hereby certifies that the above and foregoing submission is a computer document prepared in Times New Roman (14 point) font and in accordance with Local Rule 5.1B.

This 15th day of February, 2023.

SWIFT, CURRIE, McGHEE & HIERS, LLP

By: /s/ Gillian S. Crawl-Parrish

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CERTIFICATE OF SERVICE

This is to certify that I have this date served upon counsel for the opposing parties in the foregoing matter a true and accurate copy of ***NOTICE OF REMOVAL*** with the Clerk of Court using the CM/ECF System. The clerk will serve opposing counsel as follows:

John L. Strauss
John L. Strauss, P.C.
1132 Conyers Street, SE
Covington, GA 30014
johnstrauss@strausslawoffice.com
Attorney for Plaintiffs

This 15th day of February, 2023.

SWIFT, CURRIE, McGHEE & HIERS, LLP

/s/ Gillian S. Crawl-Parrish
Mike O. Crawford
Georgia Bar No. 194165
Gillian S. Crawl-Parrish
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